

**THIRTY-SECOND LEGISLATIVE DAY
THURSDAY, FEBRUARY 12, 2004**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Jessica Christensen,
Page.

Approval of Journal

February 12, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-first Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

At this time, the Speaker put the House at ease.

A Lincoln Day Memorial Service was presented to the members of the House.

Opening Remarks Representative Miller
Choral Performance ... Mustang Magic Choir, West Junior High
Paul Olson, Director
Civil War Re-Enactment Steve Grueber, Executive Director
Idaho State Historical Society
Solo Performance Janet Bryant
Closing Representative Garrett

Prior to going at ease, the House was at the Fourth Order of Business.

**Consideration of Messages from the
Governor and the Senate**

February 11, 2004

Mr. Speaker:

I transmit herewith enrolled **S 1239** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1239** and, when so signed, ordered it returned to the Senate.

February 11, 2004

Mr. Speaker:

I return herewith enrolled **HCR 36** and **H 565** which have been signed by the President.

WOOD, Secretary

Enrolled **HCR 36** was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

Enrolled **H 565** was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 11, 2004

Mr. Speaker:

I transmit herewith **S 1237**, **S 1238**, and **S 1253** which have passed the Senate.

WOOD, Secretary

S 1237, **S 1238**, and **S 1253** were filed for first reading.

Report of Standing Committees

February 12, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HCR 40**, **HCR 41**, **HJM 17**, **H 649**, **H 650**, **H 651**, **H 652**, **H 653**, **H 654**, **H 655**, **H 656**, **H 657**, **H 658**, **H 659**, **H 660**, **H 661**, **H 662**, and **H 663**.

FIELD(18), Chairman

HCR 40 was referred to the Environmental Affairs Committee.

HCR 41, **HJM 17**, **H 656**, **H 657**, **H 658**, and **H 659** were referred to the Health and Welfare Committee.

H 649, **H 650**, **H 651**, **H 660**, **H 661**, **H 662**, and **H 663** were referred to the Revenue and Taxation Committee.

H 652 was referred to the State Affairs Committee.

H 653 was referred to the Agricultural Affairs Committee.

H 654 and **H 655** were referred to the Transportation and Defense Committee.

February 11, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 566**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 566**, and, when so signed, ordered it transmitted to the Senate for the signature of the President.

February 11, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND

ADMINISTRATION, report that we have had under consideration **HCR 38** and recommend that it do pass.

FIELD(18), Chairman

HCR 38 was filed for second reading.

February 11, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 590** and report it back with amendments attached to be placed on General Orders for consideration.

FIELD(18), Chairman

H 590 was placed on General Orders for consideration.

February 11, 2004

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **H 623** and **H 515** and recommend that they do pass.

STEVENSON, Chairman

H 623 and **H 515** were filed for second reading.

February 11, 2004

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **H 482** and report it back with amendments attached to be placed on General Orders for consideration.

STEVENSON, Chairman

H 482 was placed on General Orders for consideration.

February 11, 2004

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 526**, **H 568**, **H 569**, and **H 585** and recommend that they do pass.

BLACK, Chairman

H 526, **H 568**, **H 569**, and **H 585** were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 42 BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

A CONCURRENT RESOLUTION

**STATING LEGISLATIVE FINDINGS AND DIRECTING
THE LEGISLATIVE COUNCIL TO APPOINT A TASK
FORCE TO STUDY CRIMINAL SENTENCING IN IDAHO.**

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, incarceration rates and costs have increased dramatically in recent years; and

WHEREAS, the Legislature seeks to ensure the imposition of appropriate and just criminal penalties, and to make the most efficient use of correctional resources; and

WHEREAS, criminal sentences should be imposed fairly, rationally and consistently, and incarceration should be reserved for the most serious offenders; and

WHEREAS, the Legislature seeks to ensure a criminal justice system that protects the safety of the public and emphasizes the accountability of the offender to the criminal justice system and the accountability of the criminal justice system to the public; and

WHEREAS, criminal sentencing and parole practices are sufficiently complex and dynamic that it would be desirable for an interim task force to examine and make further recommendations.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint, on or before July 1, 2004, a bipartisan task force to undertake and complete a study of criminal sentencing and parole practices. The Legislative Council shall determine the number of legislators and membership from each house appointed to the task force and shall authorize the task force to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the task force shall be appointed by the cochairs of the task force who are appointed by the Legislative Council. Nonlegislative members of the task force shall include representatives of the judiciary, the Board of Correction, the Attorney General, the State Appellate Public Defender, the Parole Commission, prosecuting attorneys, criminal defense attorneys, crime victim organizations and inmate advocacy organizations. Nonlegislative members of the task force shall serve without honorarium or compensation but shall be reimbursed for actual and necessary expenses pursuant to Section 59-509(b), Idaho Code. Nonlegislative members shall not have voting privileges regarding the task force's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the task force shall evaluate the effectiveness of the criminal sentencing structure of the state including, but not limited to, consideration and review of the following:

(1) Each criminal statute to determine if the penalty provided is proportional to the seriousness of the offense committed and to penalties provided for other offenses;

(2) The risks and benefits of allowing inmates earned time credit;

(3) The potential savings that could be achieved with incremental reductions in mandatory minimum sentences;

(4) Any trends related to racial, gender or geographical disparity in sentences;

(5) The number and profile of inmates who are granted or denied parole at the end of their fixed terms;

(6) The reasons for denying parole to inmates who have served the fixed term of their sentences;

(7) The adequacy and use of correctional resources dedicated

to providing rehabilitative programs;

(8) The adequacy and use of sentencing alternatives, including those that are community-based and those available statewide;

(9) The resources available at the county level to address and intervene at the misdemeanor offense level;

(10) Research demonstrating policies and practices that reduce recidivism.

BE IT FURTHER RESOLVED that the task force shall rely on data obtained from the Idaho State Police, the Attorney General, county prosecutor offices, the Department of Correction, the Idaho Supreme Court and the district courts. The task force is authorized to consult with universities and other organizations for research assistance in collecting and analyzing information on all aspects of criminal sentencing in Idaho.

BE IT FURTHER RESOLVED that the task force shall report its findings and recommendations, including remedies for any deficiencies found by the task force, to the Governor, the Legislature and the Idaho Supreme Court by January 1, 2006.

**HOUSE CONCURRENT RESOLUTION NO. 43
BY BUSINESS COMMITTEE**

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE IDAHO BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Idaho Board of Registration of Professional Engineers and Professional Land Surveyors relating to professional responsibility are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 10.01.02, rules of the Idaho Board of Registration of Professional Engineers and Professional Land Surveyors relating to professional responsibility, the entire rulemaking docket, adopted as pending rules under Docket Number 10-0102-0301, be, and the same are hereby rejected and declared null, void and of no force and effect.

**HOUSE CONCURRENT RESOLUTION NO. 44
BY STATE AFFAIRS COMMITTEE**

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND PROVIDING THAT THE DEPARTMENT OF ADMINISTRATION, UPON APPROPRIATION OF ITS BUDGET REQUEST RELATED TO THE BORAH POST OFFICE, SHOULD TAKE THE NECESSARY STEPS TO FACILITATE AND COMPLETE THE ACQUISITION OF THE BORAH POST OFFICE IN THE NAME OF THE STATE

OF IDAHO AND MAKE IT AVAILABLE FOR THE USE OF THE STATE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, real property located at 304 North 8th Street, and commonly known as the Borah Post Office, is currently available to the state of Idaho, without monetary consideration, through the United States as federal surplus property for use pursuant to Section 203(k)(3) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(k)(3)), and in accordance with the rules and regulations of the United States Department of the Interior; and

WHEREAS, the property is comprised of approximately 1.40 acres with a four-story building, plus basement, and consists of approximately 79,879 square feet (64,472 net rentable square feet) and 34 total parking spaces; and

WHEREAS, the Department of Administration has submitted the required application papers to acquire the property and has specifically conditioned such application on the approval of the Legislature of the acquisition, specifically the appropriation required for operation, maintenance and repair; and

WHEREAS, if acquired, it is anticipated that the state could relocate state agencies into the Borah Post Office, both in the currently available space (approximately 26,400 square feet) and as current leases expire and would eventually utilize most of the space in the Borah Post Office for the functions of government and to meet the state's office space needs; and

WHEREAS, the state's long-term space needs would be efficiently and cost-effectively served by the availability of the Borah Post Office.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Department of Administration, upon appropriation of its budget request related to the Borah Post Office, should take the necessary steps to facilitate and complete the acquisition of the Borah Post Office in the name of the state of Idaho and make it available for the use of the state.

HCR 42, HCR 43, and HCR 44 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 664
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE**

AN ACT

RELATING TO PARTIES TO ACTIONS; AMENDING CHAPTER 3, TITLE 5, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 5-341, IDAHO CODE, TO PROVIDE A CAUSE OF ACTION FOR THE RECOVERY OF DAMAGES AGAINST PERSONS OR ENTITIES THAT PRODUCE FALSE OR MISLEADING INFORMATION, EITHER DURING SWORN TESTIMONY OR TO A FACT-FINDER OR GOVERNMENTAL ENTITY, THAT RESULTS IN INJURY

TO A PERSON; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 665
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT

RELATING TO NONPROBATE TRANSFERS FROM DECEDENT'S ESTATE; AMENDING SECTION 15-6-107, IDAHO CODE, TO SPECIFY PROCEDURE TO GOVERN SETTLEMENT OF CLAIMS AGAINST A NONTESTAMENTARY TRUST, PROVIDING TIME FOR CLAIMS TO BE PRESENTED, MANNER OF PRESENTATION AND EFFECT OF PRESENTATION.

HOUSE BILL NO. 666
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT

RELATING TO DOGS; AMENDING SECTION 25-2805, IDAHO CODE, TO PROVIDE THAT A DOG THAT INJURES ANY LIVESTOCK, POULTRY, DOMESTICATED ANIMALS OR ANIMALS KEPT IN CAPTIVITY FOR COMMERCIAL PURPOSES THAT ARE NOT TRESPASSING IS VICIOUS, TO EXCLUDE WORKING DOGS AND TO PROVIDE THAT THE COURT MAY ORDER THAT A VICIOUS DOG BE DESTROYED UPON A FIRST VIOLATION.

HOUSE BILL NO. 667
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT

RELATING TO THREATS OF VIOLENCE; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3302H, IDAHO CODE, TO PROVIDE THAT ANY PERSON WHO WILLFULLY THREATENS TO COMMIT AN ACT OF VIOLENCE ON SCHOOL GROUNDS BY USE OF A FIREARM, EXPLOSIVE, OR DEADLY OR DANGEROUS WEAPON IS GUILTY OF A MISDEMEANOR.

HOUSE BILL NO. 668
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT

RELATING TO THE CRIME OF STALKING; AMENDING SECTION 18-920, IDAHO CODE, TO PROVIDE A CODE REFERENCE; REPEALING SECTION 18-7905, IDAHO CODE, RELATING TO STALKING; AMENDING CHAPTER 79, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-7905, IDAHO CODE, TO PROVIDE FOR THE CRIME OF STALKING IN THE FIRST DEGREE, TO DEFINE TERMS AND TO SET FORTH PUNISHMENT; AMENDING CHAPTER 79, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-7906, IDAHO CODE, TO PROVIDE FOR STALKING IN THE SECOND DEGREE, TO DEFINE TERMS AND TO SET FORTH PUNISHMENT; AND AMENDING SECTION 19-603, IDAHO CODE, TO PROVIDE A CODE REFERENCE AND DESCRIPTIVE LANGUAGE.

HOUSE BILL NO. 669
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO THE DEPARTMENT OF LANDS; AMENDING SECTION 58-122, IDAHO CODE, TO REVISE PROCEDURES RELATING TO THE DUTY OF THE DIRECTOR IN CONTESTED CASES, TO PROVIDE THAT CERTAIN ACTIONS BY THE STATE BOARD OF LAND COMMISSIONERS RELATING TO THE DIRECTION, CONTROL OR DISPOSITION OF PUBLIC LANDS SHALL NOT BE CONSIDERED TO BE CONTESTED CASES AND TO PROVIDE FOR EXCEPTIONS.

HOUSE BILL NO. 670
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO THE FOREST PRACTICES ADVISORY COMMITTEE; AMENDING SECTION 38-1305, IDAHO CODE, TO INCREASE MEMBERSHIP OF THE COMMITTEE FROM EIGHT MEMBERS TO NINE, TO CLARIFY MEMBERSHIP OF THE COMMITTEE, TO PROVIDE THAT ONE MEMBER SHALL BE A NONINDUSTRIAL FOREST LANDOWNER AND ONE MEMBER SHALL BE AN AT-LARGE MEMBER, AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 671
BY BUSINESS COMMITTEE
AN ACT

RELATING TO CORPORATIONS; AMENDING SECTION 30-1-120, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE AND TO PROVIDE THAT CERTAIN PROVISIONS APPLY WHEN THE TERMS OF A PLAN OR FILED DOCUMENT ARE PERMITTED TO BE DEPENDENT UPON FACTS OBJECTIVELY ASCERTAINABLE OUTSIDE THE PLAN OR FILED DOCUMENT; AMENDING SECTION 30-1-140, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 30-1-202, IDAHO CODE, TO PROVIDE THAT PROVISIONS OF THE ARTICLES OF INCORPORATION MAY BE MADE DEPENDENT UPON FACTS OBJECTIVELY ASCERTAINABLE OUTSIDE THE ARTICLES OF INCORPORATION; AMENDING SECTION 30-1-601, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO AUTHORIZED SHARES; AMENDING SECTION 30-1-602, IDAHO CODE, TO PROVIDE THAT THE BOARD OF DIRECTORS MAY TAKE CERTAIN ACTIONS RELATED TO THE CLASSIFICATION OR RECLASSIFICATION OF SHARES WITHOUT SHAREHOLDER APPROVAL IF PERMITTED BY THE ARTICLES OF INCORPORATION, TO REQUIRE THE BOARD TO DETERMINE THE TERMS AS PROVIDED BY STATUTE, TO REMOVE LANGUAGE REQUIRING EACH SERIES TO BE GIVEN A DISTINGUISHING DESIGNATION, TO REMOVE LANGUAGE PROVIDING THAT ALL SHARES OF A SERIES MUST HAVE CERTAIN TERMS IDENTICAL WITH THOSE OF OTHER SHARES AND OTHER SERIES AND TO REVISE REQUIREMENTS RELATING TO REQUIRED

TERMS FOR FILING ARTICLES OF AMENDMENT; AMENDING SECTION 30-1-621, IDAHO CODE, TO PROVIDE THAT THE ISSUANCE OF SHARES AND CERTAIN OTHER SECURITIES REQUIRES SHAREHOLDER APPROVAL IN CERTAIN CIRCUMSTANCES, TO SET FORTH REQUIREMENTS FOR THE VOTING POWER OF SHARES AND TO PROVIDE THAT A SERIES OF TRANSACTIONS IS INTEGRATED UNDER CERTAIN CONDITIONS; AMENDING SECTION 30-1-624, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO SHARE OPTIONS; AMENDING SECTION 30-1-631, IDAHO CODE, TO PROVIDE A CODE REFERENCE, TO REMOVE LANGUAGE STATING THAT THE BOARD MAY ADOPT ARTICLES OF AMENDMENT WITHOUT SHAREHOLDER APPROVAL AND TO REMOVE LANGUAGE SETTING FORTH REQUIREMENTS FOR ARTICLES; AMENDING SECTION 30-1-640, IDAHO CODE, TO PROVIDE THAT THE SECTION DOES NOT APPLY TO CERTAIN DISTRIBUTIONS IN LIQUIDATION; AMENDING SECTION 30-1-702, IDAHO CODE, TO PROVIDE THAT THE ARTICLES OF INCORPORATION MAY FIX A LOWER OR HIGHER PERCENTAGE OF VOTES RELATED TO SPECIAL MEETINGS OF SHAREHOLDERS AND TO PROVIDE THAT UNLESS OTHERWISE PROVIDED IN THE ARTICLES A WRITTEN DEMAND FOR A SPECIAL MEETING MAY BE REVOKED BY A WRITING; AMENDING SECTION 30-1-704, IDAHO CODE, TO REQUIRE THAT WRITTEN CONSENTS BEAR A DATED SIGNATURE, TO PROVIDE THAT A WRITTEN CONSENT SHALL NOT BE EFFECTIVE UNLESS WRITTEN CONSENTS SIGNED BY ALL SHAREHOLDERS ENTITLED TO VOTE ARE RECEIVED BY THE CORPORATION WITHIN A STATED TIME PERIOD AND TO PROVIDE THAT A WRITTEN CONSENT MAY BE REVOKED BY A WRITING; AMENDING PART 7, CHAPTER 1, TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 30-1-708, IDAHO CODE, TO PROVIDE FOR THE CONDUCT OF MEETINGS; AMENDING SECTION 30-1-722, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO PROXIES; AMENDING SECTION 30-1-724, IDAHO CODE, TO PROVIDE CODE REFERENCES; AMENDING PART 7, CHAPTER 1, TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 30-1-729, IDAHO CODE, TO PROVIDE FOR INSPECTORS OF ELECTIONS; AMENDING SECTION 30-1-801, IDAHO CODE, TO PROVIDE CLARIFYING LANGUAGE; AMENDING SECTION 30-1-803, IDAHO CODE, TO PROVIDE THAT THE NUMBER OF DIRECTORS MAY BE INCREASED OR DECREASED BY AMENDMENT TO OR AS PROVIDED IN THE ARTICLES OF INCORPORATION OR BYLAWS AND TO REMOVE OTHER LANGUAGE REFERRING TO THE NUMBER OF DIRECTORS; AMENDING SECTION 30-1-806, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING NINE OR MORE DIRECTORS AND TO PROVIDE THAT THE ARTICLES OF INCORPORATION MAY PROVIDE FOR STAGGERING THE TERMS OF DIRECTORS; AMENDING SECTION 30-1-809, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE REMOVAL OF DIRECTORS BY JUDICIAL PROCEEDING; AMENDING

SECTION 30-1-821, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO ACTIONS TAKEN WITHOUT A MEETING OF THE BOARD OF DIRECTORS; AMENDING SECTION 30-1-825, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO COMMITTEES CREATED BY THE BOARD OF DIRECTORS; AMENDING SECTION 30-1-830, IDAHO CODE, TO REVISE STANDARDS APPLICABLE TO MEMBERS OF THE BOARD OF DIRECTORS; AMENDING PART 8, CHAPTER 1, TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 30-1-831, IDAHO CODE, TO SET FORTH STANDARDS OF LIABILITY FOR DIRECTORS; AMENDING SECTION 30-1-833, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE LIABILITY OF DIRECTORS FOR UNLAWFUL DISTRIBUTIONS; AMENDING SECTION 30-1-840, IDAHO CODE, TO PROVIDE THAT A CORPORATION HAS THE OFFICES DESCRIBED IN THE BYLAWS OR DESIGNATED BY THE BOARD, TO PROVIDE THAT THE BOARD MAY ELECT INDIVIDUALS TO FILL OFFICES OF THE CORPORATION AND TO PROVIDE THAT THE BYLAWS OR BOARD SHALL ASSIGN TO AN OFFICER THE RESPONSIBILITY FOR PREPARING THE MINUTES OF MEETINGS AND MAINTAINING AND AUTHENTICATING THE RECORDS OF THE CORPORATION; AMENDING SECTION 30-1-842, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE STANDARDS OF CONDUCT FOR OFFICERS OF A CORPORATION; AMENDING SECTION 30-1-843, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE THAT THE BOARD OR APPOINTING OFFICER MAY FILL A PENDING VACANCY IN CERTAIN SITUATIONS AND SET FORTH WHO MAY REMOVE AN OFFICER WITH OR WITHOUT CAUSE; AMENDING SECTION 30-1-858, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING CHAPTER 1, TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW PART 9, CHAPTER 1, TITLE 30, IDAHO CODE, TO PROVIDE FOR EXCLUDED TRANSACTIONS, TO REQUIRE PRIOR APPROVAL FOR CERTAIN TRANSACTIONS, TO PROVIDE FOR DOMESTICATION, TO PROVIDE FOR ARTICLES OF DOMESTICATION AND TO PROVIDE FOR THE EFFECT OF DOMESTICATION; AMENDING SECTION 30-1-1001, IDAHO CODE, TO REVISE LANGUAGE APPLICABLE TO THE AUTHORITY OF A CORPORATION TO AMEND ITS ARTICLES OF INCORPORATION; AMENDING SECTION 30-1-1002, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO THE AMENDMENT OF ARTICLES OF INCORPORATION BY THE BOARD WITHOUT SHAREHOLDER APPROVAL; AMENDING SECTION 30-1-1003, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE ADOPTION OF AN AMENDMENT TO THE ARTICLES OF INCORPORATION WHERE A CORPORATION HAS ISSUED SHARES; AMENDING SECTION 30-1-1004, IDAHO CODE, TO PROVIDE THAT EXCEPT AS OTHERWISE PROVIDED IN THE ARTICLES OF INCORPORATION THE VOTING AND NONVOTING HOLDERS OF THE OUTSTANDING SHARES OF A CLASS ARE ENTITLED TO VOTE AS A SEPARATE VOTING GROUP ON A PROPOSED

AMENDMENT TO THE ARTICLES OF INCORPORATION UNDER CERTAIN CONDITIONS, TO REVISE TERMINOLOGY, TO PROVIDE CLARIFYING LANGUAGE, TO PROVIDE THAT UNDER CERTAIN CONDITIONS THE HOLDERS OF SHARES MUST VOTE AS A SINGLE VOTING GROUP UNLESS OTHERWISE PROVIDED IN THE ARTICLES OF INCORPORATION OR UNLESS OTHERWISE REQUIRED BY THE BOARD AND TO REMOVE LANGUAGE PROVIDING THAT A CLASS OR SERIES OF SHARES HAS CERTAIN VOTING RIGHTS; AMENDING SECTION 30-1-1005, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE THAT THE BOARD OF DIRECTORS OF A CORPORATION OR ITS INCORPORATORS IF IT HAS NO BOARD MAY ADOPT AMENDMENTS TO THE ARTICLES OF INCORPORATION; AMENDING SECTION 30-1-1006, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO ARTICLES OF AMENDMENT; AMENDING SECTION 30-1-1007, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO RESTATED ARTICLES OF INCORPORATION; AMENDING SECTION 30-1-1008, IDAHO CODE, TO PROVIDE THAT ARTICLES OF INCORPORATION MAY BE AMENDED WITHOUT BOARD OR SHAREHOLDER ACTION TO CARRY OUT A PLAN OF REORGANIZATION ORDERED OR DECREED BY A COURT UNDER THE AUTHORITY OF FEDERAL LAW AND TO REMOVE LANGUAGE PROVIDING THAT SHAREHOLDERS OF A CORPORATION UNDERGOING REORGANIZATION DO NOT HAVE DISSENTERS' RIGHTS EXCEPT AS PROVIDED IN THE REORGANIZATION PLAN; AMENDING SECTION 30-1-1009, IDAHO CODE, TO MAKE A GRAMMATICAL CHANGE; AMENDING SECTION 30-1-1020, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO AMENDMENT OF BYLAWS BY THE BOARD OF DIRECTORS OR SHAREHOLDERS; REPEALING SECTION 30-1-1021, IDAHO CODE, RELATING TO BYLAWS THAT INCREASE QUORUM OR VOTING REQUIREMENTS; AMENDING SECTION 30-1-1022, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO BYLAWS THAT INCREASE QUORUM OR VOTING REQUIREMENTS FOR DIRECTORS; AMENDING PART 11, CHAPTER 1, TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 30-1-1101, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 30-1-1101, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO MERGERS; AMENDING SECTION 30-1-1102, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO SHARE EXCHANGES; AMENDING SECTION 30-1-1103, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO ACTIONS ON A PLAN, MERGER OR SHARE EXCHANGE; AMENDING SECTION 30-1-1104, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO MERGERS BETWEEN PARENTS AND SUBSIDIARIES OR BETWEEN SUBSIDIARIES; AMENDING SECTION 30-1-1105, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO

ARTICLES OF MERGER OR SHARE EXCHANGE; AMENDING SECTION 30-1-1106, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO THE EFFECT OF A MERGER OR SHARE EXCHANGE; REPEALING SECTION 30-1-1107, IDAHO CODE, RELATING TO MERGERS OR SHARE EXCHANGES WITH FOREIGN CORPORATIONS; AMENDING PART 11, CHAPTER 1, TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 30-1-1108, IDAHO CODE, TO PROVIDE FOR THE ABANDONMENT OF A MERGER OR SHARE EXCHANGE; AMENDING THE HEADING FOR PART 12, CHAPTER 1, TITLE 30, IDAHO CODE; AMENDING SECTION 30-1-1201, IDAHO CODE, TO PROVIDE FOR THE DISPOSITION OF ASSETS NOT REQUIRING SHAREHOLDER APPROVAL AND TO REMOVE LANGUAGE REFERENCING THE SALE IN THE REGULAR COURSE OF BUSINESS AND MORTGAGE OF ASSETS; AMENDING SECTION 30-1-1202, IDAHO CODE, TO REMOVE LANGUAGE PROVIDING FOR THE SALE OF ASSETS OTHER THAN IN THE REGULAR COURSE OF BUSINESS AND TO PROVIDE FOR SHAREHOLDER APPROVAL OF CERTAIN DISPOSITIONS; AMENDING THE HEADING FOR PART 13, CHAPTER 1, TITLE 30, IDAHO CODE; AMENDING SECTION 30-1-1301, IDAHO CODE, TO ADD, REVISE AND REMOVE DEFINITIONS; AMENDING SECTION 30-1-1302, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO A SHAREHOLDER'S RIGHT TO APPRAISAL; AMENDING SECTION 30-1-1303, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE ASSERTION OF RIGHTS BY NOMINEES AND BENEFICIAL OWNERS; AMENDING SECTION 30-1-1320, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE NOTICE OF APPRAISAL RIGHTS; AMENDING SECTION 30-1-1321, IDAHO CODE, TO PROVIDE THAT IF A PROPOSED CORPORATION ACTION REQUIRING APPRAISAL RIGHTS IS SUBMITTED TO A VOTE AT A SHAREHOLDERS' MEETING A SHAREHOLDER WHO WISHES TO ASSERT APPRAISAL RIGHTS WITH RESPECT TO ANY CLASS OR SERIES OF SHARES MUST FOLLOW CERTAIN CONDITIONS AND TO REMOVE LANGUAGE REFERENCING A SHAREHOLDER'S SHARES; AMENDING SECTION 30-1-1322, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO APPRAISAL NOTICES AND FORMS; AMENDING SECTION 30-1-1323, IDAHO CODE, TO REMOVE LANGUAGE REFERRING TO THE DUTY TO DEMAND PAYMENT AND TO PROVIDE FOR THE PERFECTION OF RIGHTS AND THE RIGHT TO WITHDRAWAL FROM THE APPRAISAL PROCESS; REPEALING SECTION 30-1-1324, IDAHO CODE, RELATING TO SHARE RESTRICTIONS; AMENDING SECTION 30-1-1325, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO PAYMENT; REPEALING SECTION 30-1-1326, IDAHO CODE, RELATING TO A CORPORATION'S FAILURE TO TAKE ACTION; AMENDING SECTION 30-1-1327, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO AFTER-ACQUIRED

SHARES; AMENDING SECTION 30-1-1328, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO PROCEDURES WHERE A SHAREHOLDER IS DISSATISFIED WITH A PAYMENT OR OFFER; AMENDING SECTION 30-1-1330, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO COURT ACTIONS FOR UNSETTLED PAYMENTS; AMENDING SECTION 30-1-1331, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO COURT COSTS AND COUNSEL FEES IN APPRAISAL PROCEEDINGS; AMENDING SECTION 30-1-1402, IDAHO CODE, TO REMOVE A CODE REFERENCE AND TO PROVIDE THAT UNLESS THE ARTICLES OF INCORPORATION OR BOARD OF DIRECTORS REQUIRE A GREATER VOTE, A GREATER NUMBER OF SHARES TO BE PRESENT OR A VOTE BY VOTING GROUPS, ADOPTION OF A PROPOSAL TO DISSOLVE REQUIRES APPROVAL OF SHAREHOLDERS AT A MEETING AT WHICH A QUORUM CONSISTING OF AT LEAST A MAJORITY OF ENTITLED VOTES EXISTS; AMENDING SECTION 30-1-1403, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO ARTICLES OF DISSOLUTION; AMENDING SECTION 30-1-1404, IDAHO CODE, TO REMOVE A CODE REFERENCE; AMENDING SECTION 30-1-1406, IDAHO CODE, TO PROVIDE THAT A DISSOLVED CORPORATION MAY DISPOSE OF THE KNOWN CLAIMS AGAINST IT BY NOTIFYING ITS KNOWN CLAIMANTS IN WRITING OF THE DISSOLUTION AT ANY TIME AFTER ITS EFFECTIVE DATE; AMENDING SECTION 30-1-1407, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO OTHER CLAIMS AGAINST A DISSOLVED CORPORATION; AMENDING PART 14, CHAPTER 1, TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 30-1-1408, IDAHO CODE, TO PROVIDE FOR COURT PROCEEDINGS; AMENDING PART 14, CHAPTER 1, TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 30-1-1409, IDAHO CODE, TO SET FORTH DIRECTOR DUTIES; AMENDING SECTION 30-1-1601, IDAHO CODE, TO REVISE THE RECORDS A CORPORATION MUST KEEP AT ITS PRINCIPAL OFFICE; AMENDING SECTION 30-1-1603, IDAHO CODE, TO MAKE A GRAMMATICAL CHANGE, TO REMOVE A REFERENCE TO PHOTOGRAPHIC COPIES, TO PROVIDE FOR THE RIGHT TO RECEIVE COPIES THROUGH AN ELECTRONIC TRANSMISSION IF AVAILABLE AND REQUESTED, TO PROVIDE THAT A CORPORATION MAY COMPLY WITH A SHAREHOLDER'S DEMAND FOR RECORD INSPECTION AT THE CORPORATION'S EXPENSE AND TO PROVIDE A REFERENCE TO THE TRANSMISSION OF RECORDS; AMENDING PART 16, CHAPTER 1, TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 30-1-1605, IDAHO CODE, TO PROVIDE FOR THE INSPECTION OF RECORDS BY DIRECTORS; AND AMENDING PART 16, CHAPTER 1, TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 30-1-1606, IDAHO CODE, TO PROVIDE FOR EXCEPTIONS TO THE NOTICE REQUIREMENT.

HOUSE BILL NO. 672

BY BUSINESS COMMITTEE

AN ACT

RELATING TO ELECTRICAL CONTRACTORS AND JOURNEYMEN; AMENDING SECTION 54-1001, IDAHO CODE, TO PROVIDE THE SCOPE OF THE CHAPTER AND TO PROVIDE EXEMPTIONS FROM THE PROVISIONS OF THE CHAPTER; AMENDING SECTION 54-1002, IDAHO CODE, TO PROVIDE EXEMPTIONS FROM LICENSURE; AMENDING SECTION 54-1003A, IDAHO CODE, TO DELETE REFERENCES TO A REPEALED LAW, TO DELETE THE DEFINITION OF "MAINTENANCE ELECTRICIAN," AND TO DEFINE "ELECTRICAL MAINTENANCE," "ELECTRIC UTILITY" AND "OTHER TERMS NOT DEFINED"; AND REPEALING SECTION 54-1016, IDAHO CODE.

HOUSE BILL NO. 673

BY BUSINESS COMMITTEE

AN ACT

RELATING TO WORKER'S COMPENSATION PROCEDURES; AMENDING SECTION 72-706, IDAHO CODE, TO PROVIDE A STATUTE OF LIMITATIONS ON MEDICAL BENEFITS IN DENIED WORKER'S COMPENSATION CLAIMS.

HOUSE BILL NO. 674

BY BUSINESS COMMITTEE

AN ACT

RELATING TO WORKER'S COMPENSATION BENEFITS; AMENDING SECTION 72-424, IDAHO CODE, TO PROVIDE THAT EVALUATIONS OF PERMANENT IMPAIRMENT SHALL ONLY BE MADE BY A QUALIFIED PHYSICIAN.

HOUSE BILL NO. 675

BY BUSINESS COMMITTEE

AN ACT

RELATING TO INSURANCE; AMENDING CHAPTER 18, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1846, IDAHO CODE, TO SET FORTH REQUIREMENTS FOR INSURERS OFFERING HEALTH CARE POLICIES THAT DO NOT MEET THE DEFINITION OF MANAGED CARE PLANS AND TO PROVIDE THAT HEALTH CARE PROVIDERS SHALL NOT REQUIRE INSURED TO MAKE ADDITIONAL PAYMENTS FOR COVERED SERVICES UNDER CERTAIN PLANS OTHER THAN SPECIFIED DEDUCTIBLES, COPAYMENTS OR COINSURANCE ONCE THE PROVIDER AGREES IN WRITING TO ACCEPT THE INSURER'S REIMBURSEMENT RATE; AND AMENDING SECTION 41-3903, IDAHO CODE, TO REVISE THE DEFINITION FOR "MANAGED CARE PLAN."

H 664, H 665, H 666, H 667, H 668, H 669, H 670, H 671, H 672, H 673, H 674, and H 675 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1237, by Judiciary and Rules Committee, was introduced,

read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

ATTEST:

PAMM JUKER, Chief Clerk

S 1238 and **S 1253**, by State Affairs Committee, were introduced, read the first time by title, and referred to the State Affairs Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 648, by Appropriations Committee, was read the second time by title and filed for third reading.

H 536, **H 601**, and **H 610**, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

S 1222 and **S 1223**, by Local Government and Taxation Committee, were read the second time by title and filed for third reading.

H 549, by Agricultural Affairs Committee, was read the second time by title and filed for third reading.

HJM 15, by Transportation and Defense Committee, was read the second time by title and filed for third reading.

H 611, by Environmental Affairs Committee, was read the second time by title and filed for third reading.

H 627, by Health and Welfare Committee, was read the second time by title and filed for third reading.

H 624, **H 596**, and **H 608**, by State Affairs Committee, were read the second time by title and filed for third reading.

S 1214, by State Affairs Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 11 a.m., Friday, February 13, 2004. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:03 p.m.

BRUCE NEWCOMB, Speaker